

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROGER KOPPLIN
6909 County Road M, Lot 25
Evansville, WI 53536

MICHAEL WILLEMS
6909 County Road M, Lot 31
Evansville, WI 53536

Plaintiffs,
Case No. 14-cv-750
vs.

RV HORIZONS, INC.
c/o Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

EVANSVILLE MV MHP, LLC
c/o Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

Defendants.

JOINT RULE 26(f) REPORT

Plaintiffs, Roger Kopplin and Michael Willems, by their attorneys, Hawks Quindel, S.C., by David C. Zoeller and Caitlin Madden., and Habush Habush & Rottier S.C., by Breanne L. Snapp, pursuant to Fed. R. Civ. P. 26(f), submit the parties' Rule 26(f) Joint Pretrial Report.

1. Counsel for the parties held a conference on January 12, 2015 and discussed those matters set forth in Fed. R. Civ. P. 26. All parties have had the

opportunity to review and consent to the filing of the present Rule 26(f) Joint Pretrial Report.

2. Nature of the Case. Plaintiffs have brought this action under the Fair Labor Standards Act (“FLSA”) and Wisconsin wage and hour law to recover allegedly unpaid regular and overtime wages. Plaintiffs also allege that they were illegally terminated in retaliation for asserting their rights under federal wage and hour law. Defendants deny that Plaintiffs are owed either unpaid regular or overtime wages. Defendants also deny that it illegally terminated Plaintiffs.

3. Issues of Jurisdiction or Venue. The parties agree that this Court has subject matter jurisdiction over the Fair Labor Standards Act claims pursuant to 28 U.S.C. § 1331 and may exercise supplemental jurisdiction over the Wisconsin claims under 28 U.S.C. § 1337. The parties agree that the Western District of Wisconsin is the appropriate venue for this case.

4. Material Factual and Legal Issues. The parties agree that the following issues exist: (1) Whether Plaintiffs were employees entitled to overtime or are independent contractors; (2) whether Plaintiffs were compensated at a rate not less than minimum wage for all hours worked; (3) the number of overtime hours worked; (4) whether liquidated damages are warranted; and (5) whether Defendant illegally retaliated against Plaintiffs by terminating them.

5. Simplification of Issues. The parties will work cooperatively to simplify the issues where appropriate.

6. Admissions and/or Stipulations. The parties will work cooperatively to make those appropriate stipulations regarding authenticity of documents in order to avoid unnecessary proof.

7. Advance Rulings from the Court. The parties will attempt to bring to the Court's attention at the earliest possible time any issues relating to admissibility of evidence on which an advance ruling would be helpful.

8. Limitation of Testimony Under Rule 702. The parties, at this time, are not aware of the need to limit the use of testimony under Rule 702, Federal Rules of Evidence.

9. Additional Parties. The parties do not intend to add additional parties at this time.

10. Amendment of Pleadings. The parties request that they be given thirty (30) days from the date of the initial pretrial conference to amend the pleadings without leave of the Court.

11. Motions Pending or Contemplated. The parties each plan to file a motion for summary judgment on the merits of the claims.

12. Length of Trial. The parties anticipate that this matter may be tried in two days.

13. Settlement Discussions. The parties intend to attempt to resolve this lawsuit.

14. Initial Disclosures. The parties agree to make all required Rule 26(a)(1) pretrial disclosures on or before February 6, 2015. Counsel for the parties

will supplement their initial disclosures pursuant to Rule 26(e) Federal Rules of Civil Procedure.

15. Trial and Final Pretrial Dates. The parties believe that this matter will be ready for trial on or after January 11, 2016. The parties request that the final pretrial conference be scheduled during the week of January 4, 2016.

16. Witnesses and Exhibits. The parties agree that disclosure of all witnesses and exhibits for trial shall be completed in accordance with the Federal Rules of Civil Procedure or the deadline set by the Court pursuant to its preliminary pretrial order.

17. Expert Witnesses. The parties do not anticipate the use of any expert witnesses; however, the parties reserve that right to call expert witnesses should circumstances warrant said use.

18. Dispositive Motions. The parties agree that all dispositive motions shall be filed no later than four (4) months before trial.

19. Discovery Cut-Off. The parties agree that discovery will end one month before trial.

20. Electronic Service. The parties confirm that documents filed through the Court's ECF system are served by ECF notification. The parties also consent that service by electronic means shall be allowed as set forth in Fed. R. Civ. P. 5(b)(2)(E) and that such service shall be complete upon transmission and shall be considered the same as personal service, provided that the sender does not receive any indication that such electronic transmission was unsuccessful.

Proposed Case Schedule

February 13, 2015	Initial Disclosures Due
February 18, 2015	Deadline to File Amendments Without Leave of Court
September 11, 2015	Dispositive Motions Due (21 and 10 day briefing schedule)
December 11, 2015	Close of Discovery 26(a)(3) Disclosures and all Motions in Limine Due
January 4, 2016	Final Pretrial Conference
January 11, 2016	Trial

Dated: January 20, 2015.

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